UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,935	02/20/2002	Muneki Shimada	SCEY 19.467	6516

26304 7590 01/11/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP	LEMMA, SAMSON B	
575 MADISON AVENUE	ART UNIT	PAPER NUMBER
NEW YORK, NY 10022-2585	2132	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 October 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4,6-11,13-15 and 27-29_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4,6-11,13-15 and 27-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in reply to an amendment filed on October 24, 2005.

All independent Claims 1,10,15, 27-29 have been amended. Dependent claims

5,12 and 16-26 have been canceled. **Claims 1-4, 6-11, 13-15 and 27-29** are pending.

Response to Arguments

2.   Applicant's arguments with respect to **claims 1-4, 6-11, 13-15 and 27-29** have

been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

4.   **Claims 1-4, 6-11, 13-15 and 27-29** are rejected under 35 U.S.C. 103 (a) as

being unpatentable over Akiyama et al (hereinafter referred as Akiyama) (U.S. Patent

Number:5,805, 699) Date of Patent. (September 8, 1998) in view of Qawami et al

(hereinafter referred to as **Qawami**) (U.S.Patent **2002/0176575 A1**)(Claims priority of

provisional application 60/251,731) (filed on Dec 7, 2000)

5.   **As per claims 1, 3, 10 and 27, Akiyama discloses a copy management**

system, comprising:

a storage media, which is stored with predetermined content,[figure 1 reference "1"] **and which is attached with unique media identification information;** [figure 1, reference 2]

a user terminal device, [figure 1, reference 3] **which comprises copy means** [figure 1, reference 9] **for copying the content stored in the storage media** [figure 1, reference 1] **to a first storage device,**[figure 1, reference 3] (Target storage medium) and **which transmits device identification information attached to the user terminal device.**[figure 1, reference 4] (the device identification information/storage medium identifier) together with the unique media identification information of the storage media[column 7, lines 42-45](As explained in the abstract and also column 7, lines 42-45 both the device identification information attached to the user device/medium identifier shown on figure 1, ref. 4 and the unique media identification which is shown on figure 2, ref. 2 are transmitted /sent to the central site/server device which manages licenses for the right to copy software product); a server device which shown on figure 1, ref. 5) **which transmits copy enabling information for enabling copy of content corresponding to the unique media identification information against the user terminal device corresponding to the device identification information when receiving the unique media identification information and device identification information.**[Abstract and column 7, lines 39-column 8, line 7]

Akiyama does not explicitly disclose

- deleting the copy enabling information after copying the content.

However, In the same field of endeavor, **Qawami** discloses

- In step 225, a portion of the track is played back. This portion may be in any of the files that comprise the track. In step 225a, the media unique key (K.sub.mu) is calculated once again. **In step 225b, the encrypted title key stored in local memory is decrypted.** Then, in step 225c, the title key is used

to decrypt the content from the buffer of device 15 containing content from the
user area 41 of card memory card 13. **Immediately after the buffer is
decrypted, the title key is deleted in step 225d** and **the media unique key
is deleted in step 225e.** The order of steps 225d and 225e is not important, but
**it is important that both keys are only exposed for the time it takes to
completely read/copy a portion of the track. Thus after the track is
read/copied the key is deleted. [Paragraph 0058 and also see claim 1]**

It would have been obvious to one having ordinary skill in the art, at the time
the invention was made, to combine the features of deleting the copy enabling
information/key after copying the content as per teachings **Qawami** into the
method as taught by **Akiyama** in order to limit the number of times the content
can be used.

6.   <u>As per claims 14-15, 28 and 29,</u> **Akiyama** discloses a computer readable
storage
media, which has been stored with a server device information processing program,
the information processing program comprising:
**A step of receiving device identification information which is attached to a
device that includes a user terminal device, and media identification
information uniquely attached to a storage media stored with predetermined
content, the media identification information and the device identification
information being sent from the user terminal device;** [Column 7, lines 42-45]
**a step of detecting whether the received media identification information is
registered in a database registered with media identification information of
storage media having the content thereof copied in a state of being associated
with device identification information;** .[column 7, lines 46-47; figure 7,

reference "S12"] and **a step of transmitting copy enabling information for enabling copying of the content to a user terminal device when non-registration of the media identification information is detected.**[figure 7, reference "S14" and column 7, lines 46-47; figure 7,reference "S12"](Before the copy enabling information for enabling copying of the content is sent to a user terminal device or the target device, the legitimacy of the media identifier/software identifier is checked at the server by checking the registration as explained on column 7, lines 46-47, this meets the recitation of either checking whether the registration of the identifier or checking the non-registration of the identifier depending on the design choice. Then the processing of transmitting the copy enabling information from the central server to the terminal device depending on the outcome of verification of the registration proceeds as shown on figure 7, reference S13-S17 and explained on column 7, lines 48-column 8, line 8]

Akiyama does not explicitly disclose

- deleting the copy enabling information after copying the content.

However, In the same field of endeavor, **Qawami** discloses

- In step 225, a portion of the track is played back. This portion may be in any of the files that comprise the track. In step 225a, the media unique key (K.sub.mu) is calculated once again. **In step 225b, the encrypted title key stored in local memory is decrypted.** Then, in step 225c, the title key is used to decrypt the content from the buffer of device 15 containing content from the user area 41 of card memory card 13. **Immediately after the buffer is decrypted, the title key is deleted in step 225d** and **the media unique key is deleted in step 225e**. The order of steps 225d and 225e is not important, but **it is important that both keys are only exposed for the time it takes to**

**completely read/copy a portion of the track. Thus after the track is
read/copied the key is deleted. [Paragraph 0058 and also see claim 1]**

It would have been obvious to one having ordinary skill in the art, at the time
the invention was made, to combine the features of deleting the copy enabling
information/key after copying the content as per teachings **Qawami** into the
method as taught by **Akiyama** in order to limit the number of times the content
can be used.

7.   **As per claim 2, Akiyama discloses a copy management system, as applied
to claims above. Furthermore Akiyama discloses the system** wherein the server
device transmits the
copy enabling information only once against one media identification
information.[Abstract]

8.   **As per claims 4 and 11, Akiyama** discloses a copy management system, as
applied to claims above. Furthermore **Akiyama** discloses the system wherein the server
device transmits the copy enabling information encrypted by the device identification
information, and the user terminal device decrypts the encrypted copy enabling
information with the device identification information.[figure 7, ref. S13-S15]

9.   **As per claims 5-6 and 12-13, Akiyama** discloses a copy management system,
as applied to claims above. Furthermore **Akiyama** discloses the system wherein
the server device transmits an encryption key for encrypting the content to be
copied; the user terminal device encrypts the content using the encryption key
and copies the encrypted content to the first storage device, stores the

encryption key in a predetermined storage means, and decrypts the content

copied to the first storage device with the encryption key. [Figure 7]

10.   **As per claim 7,** **Akiyama** discloses a copy management system, as applied to

claims above. Furthermore **Akiyama** discloses the system wherein the server

device stores as media identification information that transmission of the copy

enabling information is complete in a database, in a state of being associated

with device identification information attached to each user's user terminal

device, and overwrites old device identification information registered in the

database with modified device identification information when the device

identification information of the user terminal device is modified due to repair or

exchange.[Figure 1, reference "user profile database"; column 7, lines 47-48; the

registration of software identifier is disclosed and overwriting and modifying of

old identification such as software identifier DID should be inherently included

in the database registration]

11.   **As per claim 8-9,** **Akiyama** discloses a copy management system, as applied to

claims above. Furthermore Akiyama discloses the system wherein the server

device performs predetermined charge processing against a user who owns the

user terminal device to which transmission of the copy enabling information is

performed.[figure 8, see "request for billing"]

Conclusion

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Samson B Lemma whose telephone number is 571-272-

3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax

phone number for the organization where this application or proceeding is assigned

is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

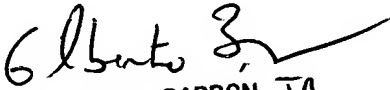information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA
S·L·
12/27/2005

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